

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,)	4:09CV3093
)	
Plaintiff,)	
)	
V.)	MEMORANDUM
)	AND ORDER
U.S. BANK, JANE/JOHN DOE, et)	
al.,)	
)	
Defendants.)	

This matter is before the court on its own motion. The above-captioned matter was filed on May 11, 2009. (Filing No. [1](#).) On May 12, 2009, the Clerk of court sent correspondence to Plaintiff at his last known address. On May 15, 2009, the document was returned to the court as undeliverable, and no forwarding information was provided. (Filing No. [4](#).)

Due to certain technical defects, the Complaint cannot be further processed until such defects are corrected. To assure further consideration of the Complaint, Plaintiff must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Plaintiff has failed to include the \$350.00 filing fee. Plaintiff has the choice of either tendering the \$350.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Plaintiff chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

Furthermore, Plaintiff has an obligation to keep the court informed of his current address at all times. See [NEGenR 1.3\(e\) and \(g\)](#) (requiring pro se parties to adhere to local rules and inform the court of address changes within 30 days). This

case cannot be prosecuted in this court if Plaintiff's whereabouts remain unknown.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to either tender the \$350 filing fee or submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof on or before June 17, 2009.

2. Plaintiff shall have until June 17, 2009, to apprise the court of his current address, in the absence of which this case will be dismissed without prejudice and without further notice.

3. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

4. The Clerk of the court is directed to send to Plaintiff the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

5. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: June 17, 2009: deadline for informing court of new address, and deadline for tendering filing fee or submitting in forma pauperis request and affidavit.

May 19, 2009.

BY THE COURT:

S/ Joseph F. Bataillon
Chief United States District Judge